

ESTTA Tracking number: **ESTTA317991**

Filing date: **11/20/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185103
Party	Plaintiff Cherokee Nation, a federally recognized Indian Tribe
Correspondence Address	Anthony J. Jorgenson Hall, Estill, Hardwick, Gable, et al 320 South Boston Avenue, Suite 200 Tulsa, OK 74103 UNITED STATES ajorgenson@hallestill.com
Submission	Other Motions/Papers
Filer's Name	Anthony J. Jorgenson
Filer's e-mail	ajorgenson@hallestill.com, wjones@hallestill.com
Signature	/s/ Anthony J. Jorgenson
Date	11/20/2009
Attachments	Cherokee-PreTrial Discl.pdf (21 pages)(635774 bytes)

Pursuant to the Board's Order dated October 6, 2009, Opposer Cherokee Nation ("Cherokee Nation") respectfully submits its Pretrial Disclosures, as required by Fed. R. Civ. P. 26(a)(3) and Trademark Trial and Appeal Board Rule 2.121(e), 37 C.F.R. § 2.121(e):

<u>Name, Address, Telephone Number And Relationship</u>	<u>Anticipated Subjects Of Testimony</u>	<u>Summary of Types of Documents and Things That May be Introduced as Exhibits During Testimony</u>
Melanie Knight Secretary of State Cherokee Nation c/o Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. 320 S. Boston Ave., Suite 200 Tulsa, OK 74103-3706 (918) 594-0400	Composition and history of Cherokee Nation; meaning and usage of the term "Cherokee;" usage and history of the CHEROKEE and CHEROKEE NATION marks, including use of marks in connection with governmental, financial, educational, health and human services; Tribal membership requirements; Tribal membership data, including population and geographic dispersion; community standards concerning usage of the CHEROKEE mark; Cherokee Nation culture, beliefs and morals; community belief that Applicant's proposed Mark is offensive, disparaging, dehumanizing, embarrassing, and exposes the Cherokee Nation and its members to ridicule and disrepute; the Cherokee Nation's belief that Applicant's proposed Mark is offensive, disparaging, dehumanizing, embarrassing, and exposes the Cherokee Nation and its members to ridicule and disrepute; the Cherokee Nation's position regarding the use of the mark CHEROKEE for commercial purposes by non-Cherokee members.	Documents and publications regarding the history, culture, governance of the Cherokee Nation; Dictionaries defining the word, "Cherokee;" Newspaper articles, books, treatises, publications and periodicals regarding Cherokee Nation heritage, culture and governance; Documents, treaties, web pages, public acts, statutes and regulations regarding Tribal membership requirements and ancestry and dealings with the United States; Web pages and associated content from www.Cherokee.org ; specimens and exemplars, including web pages, regarding Applicant's use of CHEROKEE .

Wilma Mankiller
Former Principal Chief
Cherokee Nation
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
Cherokee Nation culture, beliefs and
morals; community belief that
Applicant’s proposed Mark is
offensive, disparaging,
dehumanizing, embarrassing, and
exposes the Cherokee Nation and its
members to ridicule and disrepute.

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treaties,
publications and periodicals
regarding Cherokee Nation
heritage, culture and
governance; Documents,
treaties, web pages, public acts,
statutes and regulations
regarding Tribal membership
requirements and ancestry and
dealings with the United States;
Web pages and associated
content from www.Cherokee.org
describing Tribal governance,
culture, history and services;
specimens and exemplars,
including web pages, regarding
Applicant’s use of her claimed
mark, **CHEROKEE**.

Gina Olaya
Director, Corporate
Communications &
Government Relations
Cherokee Nation
Entertainment, L.L.C.
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

The Cherokee Nation’s ownership
of Cherokee Nation Entertainment,
L.L.C. (“CNE”); goods and services
advertised, promoted and sold by
CNE using the **CHEROKEE** and
CHEROKEE NATION marks; the
manner and mediums through which
CNE’s goods and services are
advertised, promoted and sold; the
geographic locations in which
CNE’s goods and services are
advertised, promoted and sold;
revenue generated through sale of
CNE’s goods and services;
advertising and promotional
expenditures relating to CNE’s
goods and services; dates of use of
CHEROKEE and **CHEROKEE**
NATION in advertising, promotion
and sale of goods and services;
CNE’s federal trademark
registrations.

Documents relating to the
ownership and governance of
CNE; documents related to
sales, marketing and revenue of
CNE goods and services;
documents relating to federal
trademark registrations owned
by CNE; documents related to
advertising and promotion of
CNE goods and services;
documents relating to
entertainment services and
goods offered by CNE including
web pages and content from
www.hardrockcasinotulsa.com,
www.Cherokeecasino.com,
www.CherokeeStarrewards.com.

Molly Jarvis
Vice-President, Marketing and Sales
Cherokee Nation Entertainment, L.L.C.
c/o Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

The Cherokee Nation's ownership of Cherokee Nation Entertainment, L.L.C. ("CNE"); goods and services advertised, promoted and sold by CNE using the **CHEROKEE** and **CHEROKEE NATION** marks; the manner and mediums through which CNE's goods and services are advertised, promoted and sold; the geographic locations in which CNE's goods and services are advertised, promoted and sold; revenue generated through sale of CNE's goods and services; advertising and promotional expenditures relating to CNE's goods and services; dates CNE has advertised, promoted and sold goods and services using the **CHEROKEE** and **CHEROKEE NATION** marks; CNE's Cherokee Nation Cultural Tourism program; CNE's promotion of entertainment services through websites maintained by CNE, including www.hardrockcasinotulsa.com, www.Cherokeecasino.com, www.CherokeeStarrewards.com, and usage and content thereon.

Documents relating to the ownership and governance of CNE; documents related to sales, marketing and revenue of CNE goods and services; documents relating to federal trademark registrations owned by CNE; documents related to advertising and promotion of CNE goods and services; documents relating to entertainment services and goods offered by CNE, including web pages and content from www.hardrockcasinotulsa.com, www.Cherokeecasino.com, www.CherokeeStarrewards.com; documents relating to purchasers of CNE goods and services; documents related to CNE's Cherokee Nation Cultural Tourism program, its promotion, its attendees, including web pages and content from www.Cherokeetourismok.com.

Tonia Williams
Web & Applications Manager
Cherokee Nation
c/o Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

The website maintained by the Cherokee Nation; usage of www.Cherokee.org; content maintained on www.Cherokee.org.

Documents related to advertising and promotion of Cherokee Nation goods and services; documents relating to usage of www.Cherokee.org by Internet users, including their geographic locations; Web pages and content accessible at www.Cherokee.org.

John Ross
Former Chief of the United
Keetoowah Band of Cherokee
Indians in Oklahoma
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute; composition
history and usage of Cherokee
Nation Seal, including the Cherokee
Star.

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treaties,
publications, periodicals, public
acts, statutes and regulations
regarding Cherokee Nation
heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars regarding
Applicant’s use of her claimed
mark, **CHEROKEE**; documents
depicting the Seal of the
Cherokee Nation and describing
the impact of symbols contained
thereon; specimen submitted by
Applicant regarding her
application to register the mark
CHEROKEE.

Dr. Richard Allen, Ph.D.
Citizen, Cherokee Nation
Cherokee Historian
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
stereotypical portrayals of female
members of the Cherokee Nation;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations
including Internet websites
regarding Cherokee Nation
heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars regarding
Applicant’s use of her claimed
mark, **CHEROKEE**;
documents, including web
pages, relating to portrayal of
American Indian women,
particularly Cherokee women, as
sex objects.

Kathy Munholland
Cherokee Historian
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of Cherokee Nation; meaning and usage of the term “Cherokee;” usage and history of the **CHEROKEE** and **CHEROKEE NATION** marks; community standards concerning usage of the **CHEROKEE** mark; community belief that Applicant’s proposed Mark is offensive, disparaging, dehumanizing, embarrassing, and exposes the Cherokee Nation and its members to ridicule and disrepute; Cherokee Community of Central California.

Documents and publications regarding the history, culture, governance of the Cherokee Nation; Dictionaries defining the word, “Cherokee;” Newspaper articles, books, treatises, publications, periodicals, public acts, statutes, and regulations including Internet web pages, regarding Cherokee Nation heritage, culture and governance; Web pages and associated content from www.Cherokee.org; specimens and exemplars, including web pages, regarding Applicant’s use of her claimed mark, **CHEROKEE**; documents, including web pages, relating to the Cherokee Tribe of Central California.

Bryan Pollard
Editor, Cherokee Phoenix
Cherokee Nation
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of Cherokee Nation; meaning and usage of the term “Cherokee;” usage and history of the **CHEROKEE** and **CHEROKEE NATION** marks; community standards concerning usage of the **CHEROKEE** mark; community belief that Applicant’s proposed Mark is offensive, disparaging, dehumanizing, embarrassing, and exposes the Cherokee Nation and its members to ridicule and disrepute

Documents relating to dates of use and federal trademark registrations owned by the Cherokee Nation; Documents and publications regarding the history, culture, governance of the Cherokee Nation; Dictionaries defining the word, “Cherokee;” Newspaper articles, books, treatises, publications, periodicals, public acts, statutes and regulations, including Internet web pages, regarding Cherokee Nation heritage, culture and governance; Web pages and associated content from www.Cherokee.org; Web pages and associated content from www.CherokeePhoenix.com; specimens and exemplars, including web pages, regarding Applicant’s use of her claimed mark, **CHEROKEE**.

Cara Cowan-Watts
Cherokee Nation Tribal
Council
District 7
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
stereotypical portrayals of female
members of Cherokee Nation;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including Internet websites,
regarding Cherokee Nation
heritage, culture and
governance; Documents,
treaties, web pages, public acts
regarding Tribal membership
requirements and ancestry; Web
pages and associated content
from www.Cherokee.org;
specimens and exemplars,
including web pages, regarding
Applicant’s use of her claimed
mark, **CHEROKEE**;
documents, including web
pages, relating to portrayal of
American Indian women,
particularly Cherokee women, as
sex objects.

Dr. Julia Coats
Cherokee Nation Tribal
Council
At-Large Member
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Chadwick "Cornstassel" Smith
Cherokee Nation Principal
Chief
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term "Cherokee;" usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
Cherokee Nation culture, beliefs and
morals; community standards
concerning usage of the
CHEROKEE mark; community
belief that Applicant's proposed
Mark is offensive, disparaging,
dehumanizing, embarrassing, and
exposes the Cherokee Nation and its
members to ridicule and disrepute;
the Cherokee Nation's belief that
Applicant's proposed Mark is
offensive, disparaging,
dehumanizing, embarrassing, and
exposes the Cherokee Nation and its
members to ridicule and disrepute;
the Cherokee Nation's policy
regarding use of **CHEROKEE** for
commercial purposes by non-
Cherokee members.

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, "Cherokee;" Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content; regarding Cherokee
Nation heritage, culture and
governance; Documents,
treaties, webpages, public acts
regarding Tribal membership
requirements and ancestry;
Webpages and associated
content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant's use
of her claimed mark,
CHEROKEE; annual reports to
the Cherokee Nation.

Bill John Baker
Cherokee Nation Tribal
Council
District 1
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term "Cherokee;" usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant's
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, "Cherokee;" Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant's use
of her claimed mark,
CHEROKEE.

Tina Glory-Jordan
Cherokee Nation Tribal
Council
District 1
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

S. Joe Crittenden
Cherokee Nation Tribal
Council
District 2
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Jodie Fishinghawk
Cherokee Nation Tribal
Council
District 2
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

David W. Thornton, Sr.
Cherokee Nation Tribal
Council
District 3
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Janelle Latimore Fullbright
Cherokee Nation Tribal
Council
District 3
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Don Gorvin
Cherokee Nation Tribal
Council
District 4
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Harley L. Buzzard
Cherokee Nation Tribal
Council
District 5
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Curtis G. Snell
Cherokee Nation Tribal
Council
District 5
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Meredith Fraley
Cherokee Nation Tribal
Council
District 6
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Chris Soap
Cherokee Nation Tribal
Council
District 6
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes, and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Buel Anglen
Cherokee Nation Tribal
Council
District 8
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Bradley Cobb
Cherokee Nation Tribal
Council
District 8
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Joe Grayson, Jr.
Cherokee Nation Deputy
Principal Chief
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of Cherokee Nation; meaning and usage of the term “Cherokee;” usage and history of the **CHEROKEE** and **CHEROKEE NATION** marks; Cherokee Nation culture, beliefs and morals; community standards concerning usage of the **CHEROKEE** mark; community belief that Applicant’s proposed Mark is offensive, disparaging, dehumanizing, embarrassing, and exposes the Cherokee Nation and its members to ridicule and disrepute; the Cherokee Nation’s belief that Applicant’s proposed Mark is offensive, disparaging, dehumanizing, embarrassing, and exposes the Cherokee Nation and its members to ridicule and disrepute; the Cherokee Nation’s policy regarding use of **CHEROKEE** for commercial purposes by non-Cherokee members.

Documents and publications regarding the history, culture, governance of the Cherokee Nation; Dictionaries defining the word, “Cherokee;” Newspaper articles, books, treatises, publications, periodicals, public acts, statutes and regulations, including web pages and content; regarding Cherokee Nation heritage, culture and governance; Documents, treaties, web pages, public acts regarding Tribal membership requirements and ancestry; Web pages and associated content from www.Cherokee.org; specimens and exemplars, including web pages, regarding Applicant’s use of her claimed mark, **CHEROKEE**; annual reports to the Cherokee Nation.

Chuck Hoskin, Jr.
Cherokee Nation Tribal
Council
District 9
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of Cherokee Nation; meaning and usage of the term “Cherokee;” usage and history of the **CHEROKEE** and **CHEROKEE NATION** marks; community standards concerning usage of the **CHEROKEE** mark; community belief that Applicant’s proposed Mark is offensive, disparaging, dehumanizing, embarrassing, and exposes the Cherokee Nation and its members to ridicule and disrepute

Documents and publications regarding the history, culture, governance of the Cherokee Nation; Dictionaries defining the word, “Cherokee;” Newspaper articles, books, treatises, publications, periodicals, public acts, statutes and regulations, including web pages and content, regarding Cherokee Nation heritage, culture and governance; Web pages and associated content from www.Cherokee.org; specimens and exemplars, including web pages, regarding Applicant’s use of her claimed mark, **CHEROKEE**.

Jack D. Baker
Cherokee Nation Tribal
Council
At-Large
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Composition and history of
Cherokee Nation; meaning and
usage of the term “Cherokee;” usage
and history of the **CHEROKEE**
and **CHEROKEE NATION** marks;
community standards concerning
usage of the **CHEROKEE** mark;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Documents and publications
regarding the history, culture,
governance of the Cherokee
Nation; Dictionaries defining the
word, “Cherokee;” Newspaper
articles, books, treatises,
publications, periodicals, public
acts, statutes and regulations,
including web pages and
content, regarding Cherokee
Nation heritage, culture and
governance; Web pages and
associated content from
www.Cherokee.org; specimens
and exemplars, including web
pages, regarding Applicant’s use
of her claimed mark,
CHEROKEE.

Lela Ummerteskee
Registrar, Cherokee Nation
c/o Hall, Estill, Hardwick,
Gable, Golden & Nelson, P.C.
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706
(918) 594-0400

Tribal membership requirements
and records; Applicant is not an
enrolled member of the Cherokee
Nation.

Documents relating to tribal
membership requirements;
records revealing that Applicant
is not an enrolled member of the
Cherokee Nation.

Members/Citizens of the
Cherokee Nation
c/o Hall Estill
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706

Community standards concerning
usage of the **CHEROKEE** and
CHEROKEE NATION marks;
community belief that Applicant’s
proposed Mark is offensive,
disparaging, dehumanizing,
embarrassing, and exposes the
Cherokee Nation and its members to
ridicule and disrepute

Specimens and exemplars,
including web pages,
demonstrating Applicant’s use
of the mark, “Cherokee.

Matthew A. Sunday
Citizen, Cherokee Nation
c/o Hall Estill
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706

Applicant’s proposed Mark is
offensive, disparaging,
dehumanizing, embarrassing, and
exposes the Cherokee Nation and its
members to ridicule and disrepute

Specimens and exemplars,
including web pages,
demonstrating Applicant’s use
of the mark, “Cherokee.

Will D. Frayser
Citizen, Cherokee Nation
c/o Hall Estill
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706

Applicant's proposed Mark is
offensive, disparaging,
dehumanizing, embarrassing, and
exposes the Cherokee Nation and its
members to ridicule and disrepute

Specimens and exemplars,
including web pages,
demonstrating Applicant's use
of the mark, "Cherokee.

Hailey G. Tyner
Citizen, Cherokee Nation
c/o Hall Estill
320 S. Boston Ave., Suite 200
Tulsa, OK 74103-3706

Applicant's proposed Mark is
offensive, disparaging,
dehumanizing, embarrassing, and
exposes the Cherokee Nation and its
members to ridicule and disrepute

Tiffany Adams
c/o Piccionelli & Sarno
2801 Townsgate Road, Suite
200
Westlake Village, CA 91361

Use of Applicant's proposed
CHEROKEE mark; nature of
goods and services offered under
proposed mark; membership or
association of Applicant with
Opposer or other federally
recognized Indian Tribes;
advertising, promotion and sale of
goods or services using
CHEROKEE mark; dates of usage
of **CHEROKEE** mark.

Specimens and exemplars,
including web pages, showing
Applicant's use of the mark,
"Cherokee."

All witnesses identified by
Applicant and not objected to
by Opposer

All witnesses necessary for
rebuttal

All witnesses necessary to
authenticate Opposer's
evidence and documents

Opposer reserves the right to
supplement this witness list to
identify additional witnesses
during the course of litigation

In accordance with Trademark Rule 2.121(e), Opposer has attempted to provide, with respect to each witnesses set forth above, a general list or summary of the types of documents and things which may be introduced as exhibits during the testimony of each such witness. To the extent not included above, and out of an abundance of caution, Opposer further discloses its intent to introduce the following documents, or classes of documents, as exhibits to testimony or otherwise in evidence at the trial of this Opposition which may include, but are not limited to:

1. Trademark Application file Serial No. 78748323
2. A Brief History of the Cherokee Nation
3. 2008 Report to the Cherokee People
4. Treaty of Holston, 1791, and other treaties, statutes and regulations pertaining to the relationship and history of the United States and the Cherokee Nation
5. Wikipedia.org article on “Cherokee”
6. Cherokee Nation, “Organizations” webpage
7. Cherokee Casino Resort, Registration No. 2961563
8. Team Cherokee, Registration No. 3426163
9. Cherokee Star Rewards, Registration No. 3693880
10. Cherokee Star Rewards, Registration No. 3690437
11. Cherokee Hills Golf Club, Registration No. 2961562
12. “Cherokee,” The American Heritage Dictionary of the English Language (4th ed. 2000)
13. “Cherokee,” AskOxford.com, Compact Oxford English Dictionary
14. “Cherokee,” Encarta World English Dictionary (North American Ed. 2009)
15. “Cherokee,” Merriam-Webster Online Dictionary (2009)
16. U.S. Dept. of the Interior, “Indian Ancestry - Cherokee Indian Ancestry” webpage
17. U.S. Dept. of the Interior, “Indian Ancestry - Locating the Dawes Roles
18. Cherokee Nation, “Clinics and Hospitals” webpage
19. Cherokee Nation, “Community Services” webpage
20. Cherokee Nation, “Roads Program” webpage
21. Cherokee Nation, “Education” webpage
22. Cherokee Nation, “Culture” webpage
23. Cherokee Nation, “Executive Branch” webpage
24. “Native,” Merriam-Webster Online Dictionary (2009)
25. “Native,” Encarta World English Dictionary (North American Ed. 2009)

26. Blue Corn Comics, "Indian Women as Sex Objects"
27. The Cherokee Nation, "Powersource" webpage
28. CherokeeXXX - PornStar webpage, including revisions
29. Nurgle's Pornstars Presents, "Cherokee" webpage
30. Cherokee Printable Filmography, "Cherokee" webpage
31. Cherokee, Personal Bio webpage
32. Christina Berry, The Word Cherokee Sells--Are You Buying?
33. Indian Country Today, "American Indian Opinion Leaders: American Indian Mascots"
34. Resolution No. 2001-08, the Inter-Tribal Council of the Five Civilized Tribes
35. Specimen submitted with Applicant's registration
36. Cherokee Phoenix, Registration No. 3592624
37. GWY, Registration No. 3641872
38. All documents and tangible things identified by Applicant and not objected to by Opposer
39. All documents and tangible things necessary for rebuttal and/or impeachment
40. All documents and tangible things necessary to authenticate Opposer's evidence and documents
41. Prosecution file for Trademark Serial No. 78748323
42. Prosecution file, including Office Action, for CHEROKEE PROUD Serial No. 75/506359
43. Prosecution file, including Office Action, for CHEROKEE STONEWORKS Serial No. 77/122071
44. Prosecution file, including Office Action, for CHEROKEE CHARCOAL Serial No. 76/683830
45. Prosecution file, including Office Action, for CHEROKEE MY DOLL Serial No. 77/1556232
46. Prosecution File, including Office Action, for CHEROKEE Serial No. 76010310
47. Applicant's Responses to Opposer's written discovery requests, including requests for admissions, requests for production, and interrogatories.
48. Exhibits to Opposer's Brief in Support of Motion for Summary Judgment filed on March 16, 2009

49. Exhibits to Opposer's Reply in Support of Motion for Summary Judgment filed on July 9, 2009
50. 2009 Report to the Cherokee People
51. Kirby Lee Davis, The Journal Record, "Cherokees Launch Cultural Tourism Campaign" (Aug. 18, 2009)
52. Printed materials, including webpages and associated content, books, magazines, videos, DVDs, advertising, promoting or constituting Applicant's services
53. CherokeeXXX--Blog, including revisions
54. Affidavits and/or Declarations as needed for authentication
55. Opposer reserves the right to supplement this list of documents and tangible things during the course of litigation

Respectfully submitted,



Anthony J. Jorgenson

ajorgenson@hallestill.com

**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

320 South Boston Avenue, Suite 200

Tulsa, OK 74103-3706

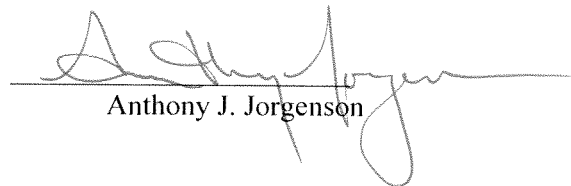
Telephone: (918) 594-0400

Facsimile: (981) 594-0505

**ATTORNEYS FOR OPPOSER CHEROKEE
NATION**

CERTIFICATE OF FILING

I, Anthony J. Jorgenson, hereby certify that a copy of the foregoing Opposer's Pretrial Disclosures is being filed with the Electronic System for Trademark Trial and Appeals ("ETTSa") of the U.S. Patent and Trademark Office on this 20th day of November, 2009.

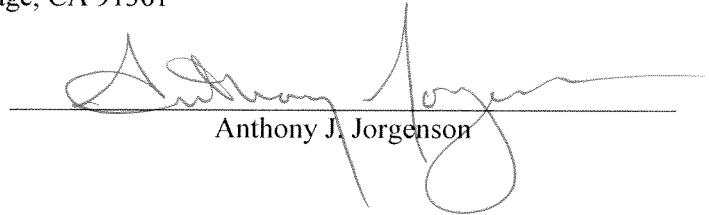


Anthony J. Jorgenson

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that on the 20th day of November, 2009, a true and correct copy of the above and foregoing was mailed via first class mail with proper postage thereon fully paid to:

Anna M. Vradenburgh
Piccionelli & Sarno
2801 Townsgate Road, Suite 200
Westlake Village, CA 91361



Anthony J. Jorgenson

1057657.1:231629:02060